

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA

*

V

* **CRIMINAL ACTION NUMBER**

* **1:23-cr-00047-MHC-JEM**

KRISTOPHER KNEUBUHLER,

*

Defendant.

*

**DEFENDANT'S PRELIMINARY OBJECTION TO GOVERNMENT'S MOTION FOR
APPLICATION FOR WRIT OF EXECUTION, TO APPOINT SUBSTITUTE
CUSTODIAN IN AID OF EXECUTION, AND TO AUTHORIZE THE COMMERCIALIALLY
REASONABLE SALE OF PERSONAL PROPERTY
WITH INCORPORATED BRIEF IN SUPPORT**

Come now the Defendant, by and through undersigned counsel, and files a preliminary objection to the Government's Motion for Writ of Execution. In support of this Motion, the Defendant shows as follows:

On April 10, 2024, Mr. Kneubuhler was sentenced for possessing child pornography. In addition to a term of imprisonment of 57 months, the Court imposed a \$100.00 special assessment, \$5,000.00 JVTA assessment, \$10,000.00 assessment and \$20,500.00 restitution. (Doc. 72). Payment of restitution was to be made in accordance with the Agreed Restitution Order, which stated, "restitution is due in full and payable immediately from assets known and unknown..." (Doc. 70). The assessments were to be paid "in equal monthly (e.g., weekly, monthly, quarterly) installments of \$250.00 or 25% of gross monthly income in excess

of \$2,500, to commence 30 days (e.g., 30 or 60 days) after release from imprisonment to a term of supervision."

On April 12, 2024, the Government filed a surprise series of pleadings with attachments. Titled "Writ of Execution" and "Application for Writ of Execution", the Government expressed their intent to seize and sell several pinball machines located in Mr. Kneubuhler business showroom. (Doc. 75 and 76).¹ Essentially, the Government wants to seize the pinball machines and sell them to pay off the court ordered assessments and restitution. The proposed Order also relieves the moving and selling company of any liability for damages to the pinball machines. (Doc. 75-2).

Mr. Kneubuhler objects to the Government's Motion for Writ of Execution and proposed Order. His objections may include, but not be limited to, (1) The pinball machines are a business asset, not his personal property, (2) Proceeds from the sale of the pinball machines can be applied to restitution only; and (3) The moving and selling company should be liable for any damage to the pinball machines.

Mr. Kneubuhler requests an additional 20 days to supplement his objection with supporting documentation and information. In

¹ These pleadings were not served on opposing counsel until April 16, 2024.

the meantime, Mr. Kneubuhler is respectfully requesting this Honorable Court withhold a ruling on the Government's motion.

Respectfully submitted,

s/Steven Berne

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1C

This is to certify that the foregoing document was formatted in accordance with Local Rule 5.1C in Courier New font, 12 point type.

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon counsels of record in this case a copy of the foregoing document via the Electronic Case Filing system of the United States District Court for the Northern District of Georgia.

This ____17____ day of _____ April _____, 2024.

Respectfully submitted,

s/Steven Berne

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